Scott. 11-37—5,000—15-11-38.

Development (1936) Department.

Res SERIES.

G.O. No.	910 910
DATED	4. 6. 38

[Despatch Abstract.]

[illegible]

20647

Pwk (Rys 2498) 22-5-36.

To

The Chief Secretary

to the Government of Madras,

Madras.

Pub (I) Dept

Devpt

Ker 19/5/36 P.W.C.

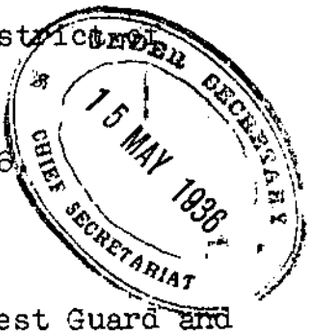
Pwk (Rys) No 2498(1)-1 dt 15/5/36

The Memorial submitted by

V. Govinda, late Forest Guard,

Coondapoor in the District of

S. Kanara.



Dated 11-5-'36

Most Respectfully Sheweth:-

That your Memorialist was a Forest Guard and he had put in a service of 8 years when his services were terminated and he was discharged from work in the year 1923.

2 That his appeal to the Conservator of Forests, Ootacamund was not taken notice of on the plea that it was time barred.

3 That he could not take any more steps or any other action owing to his poverty and continued sickness.

4 That your Memorialist begs to submit enclosed copies of his petition to the Conservator of Forests VI the Circle, Ootacamund which deals with all the facts in detail.

P.P. 3-13 infra

5 That your Memorialist has suffered enough and more during all these years for any fault he may have committed and has felt sufficiently penitent.

b That in these circumstances Government on going through the records, may most mercifully be pleased to cast a glance of pity on him and his family and reinstate him to service treating the period of his absence as one of leave without pay or even treating him as a new hand.

7 For which act of kindness and mercy Memorialist will ever feel grateful.

Coondapoor,)
)
11- 6- 1936)

V. Gaienda

Memorialist.

To

The Conservator of Forests,

VI Circle.

Ootacamund.

Humble petition of appeal of Forest Gaurd V.Govinda, Coondapur Range, N.Mangalore Division, Dated 23rd June 192

Being highly aggrieved by the order of the District Forest Officer Mangalore North, L.Dis. C.No.402/F.23 dated 22nd may 1923, suspending the appellant from 19-12-1922 to 31-5-1923 and transferring him to the Mangalore range with effect from 1-6-23, the appellant begs respectfully against the order on the following grounds.

2. The charges framed by the Range Officer Coondapur against the appellant in his order C.N.121/F.23 dated 3-4-23 were 5 in number. The order of the Range Officer calling for the appellant's explanation to the charges was received by him on 11-4-23 and his explanation thereto was submitted on 14-4-23 and received by the Range Officer by Registered Post on 17-4-23. That explanation was not received or considered by the District Forest Officer before passing his final orders now under appeal and this fact has led to a grave miscarriage of Justice in his case.

3. The charges framed by the Range Officer are the following:-

1. That the Range Officer had ordered the appellant to appear before him on 5-2-23, but he did not obey the order.
2. That the appellant did not regularly submit his diaries from 28-1-23 to 24-2-23, all the diaries for those weeks having been dated 25-2-23 and submitted in one cover so that they were received by the Range Officer on 26-2-23.
3. That the appellant absented himself from his beat without leave from 3-2-23 and was at Coondapur during the month of February.
4. That though during the major part of February he was

absent from his beat he forged his diary and showed therein that he had cleared the lines of the Menasinagudde reserve.

5. That though the Range Officer was camping at Jedkal from 5-2-23 to 19-2-23 the appellant went to Coondapur from --- Kollur on 18-2-23 Via Jedkal, and went back to Wandse on 21-2-23 when the appellant knew that Range Officer was --- coming back to Coondapur that day.

These are the main charged and though the appellant has explained them once in his explanation dated 14-4-23 he now feels it is his duty to explain them once more as the District Officer does not appear to have received -- the explanation or considered it before passing final - orders in the case against the appellant.

4. Charge(1) Failure to appear before the Range Officer on 5-2-23 -- The order dated 1-2-23 directing the appellant to appear before the Ranyge Officer on 5-2-23 was received by him on 17-2-23 together with another order N.483/22, dated 24-1-23 which had been enclosed in the same cover and would be clear form the (mark) Post mark on the cover which the appellant has submitted with his explanation dated --- 14-4-23 referred to above and on which the Post man had noted twice during the intervalthat when he made enquiries about the appellant's whereabouts, he had been informed that the appellant had gone to the reserve boundary over the ----- Ghauts for line-clearing. It can be imagined how the appel -lant could obey an order to appear before the Range Officer on 5-2-23 when he received the order itself 12 days after the date.

5. Charge 2. - Irregular submission of dairies- The appellant had been submitting his dairies regularly every week through the Forester in charge of the Jedkal section up to 28-1-23. On that date the Section Officer informed the appellant that the Range Officer had directed that the appellant's dairiesshould be sent to the Range Officer direct and not through the Section Officer and that Postage Stamps

would be supplied to him for the purpose. The appellant waited for stamps until 12-2-23. but not having received them he submitted a report to the Range Officer on that date ~~xxxx~~ stating that his diaries etc. had been delayed for want of stamps and stationery the latter of which he purchased local -ly till then but was unable to do so any longer as he had received no pay for the previous three months nor the amount of his travelling expenses for his journey on transfer. The stamps were however found enclosed in the cover received on 17-2-23. refered to above but inorder to explain the reason for the appellant's non-appearence before the Range Officer on 5-2-23. the appellant came to Coondapur on 18-2-23. as detailed below, and after his return to his beat submitted the 4 diaries of the weeks commencing from 29-1-23 in one cover. The delay in the submission of the diaries was therefore not due to laziness on the part of the appellant or any other cause but merely on account of his not having been supplied with stamps.

6. Charges (3)and (4). Absence from the beat without leave and fudging of diaries- The appellant begs to assert most emphatically that he never absented himself from the beat without leave or wrote in his diaries any work which he did not actually do.. The fact that in his order No.474/22 dated 30-11-22. the Range Officer had put the appellant on the special duty of attending to the work of cutting timber from Menkodi Coupe No.7 in addition to holding charge of and being responsible for the work in his beat, the two scenes being so far as 20 miles apartwill show with what intensity the Range Officer was determined to bring the appellant into trouble by some means or other. The appellant's diaries will show that from 3-2-23.to 13-2-23. he was engaged in clearing the lines of the Menasinagudde reserve single handed as in his order dated 24-1-23. The Ranger Officer had informed him that there were no funds for the line clearing of the Reserves in Hannar beat . While taking charge of the beat from the forester the appellant

had noted in the Transfer of Charge report and in his diary that the lines of the reserves in the beat had not been cleared and the Forester had merely forwarded the appellant' diaries and the report without any remarks against the appel -lantbs assertion which he would have done.if the appel- lant's assertion had not been true, whereas while handing over charge of the beat on 10-3-23. the appellant had shown all the cleared lines to the guard who took charge from him and made him note the fact in the Transfer of Charge Report. The fact that the lines were clear in March 23 when the appel -lant handed over charge of the beat whereas they were not in that condition when he took charge in November 1922 is itself sufficient proof that the appellant did not fudge his diaries for February. On the 14th February the appell - ant travelled from Hannar to Kollur and on the 15th return- ed to Hannar, on the 16th he visited the Hannar Magane reserve-and after receipt of the Range Officer's orders he came to Coondapur on the 18th, obtained tappals from the Range Office on the 19th, waited at Coondapur for the return of the Range Officer for two days and took medicines from the hospital as he was suffering from fever and then went back to his beat and submitted his diaries and reports on the 25th as stated above. There being the details of the w w ork done by him in February the appellant is at a loss to understand how he could be said to have absented himself ---- during that month. Unfortunately for the appellant the Range Officer came back to Coondapur by boat on 21-2-23 and the appellant happened to go back to wander by road on the same day After that day also the appellant has shown in his diaries the work done by him everyday and in none of them had the Range Officer remarked that the appellant's work was not up to the mark or that he had fudged his diaries.

7. The explanation against charge 3) will clearely show that the appellant has really cleared the libes of the Menasinagudde reserve and that the entries in his diary regarding the work done by the appellant on the boundry line of that reserve are

not false.

8. Charge(5)- Similarly the appellant's explanation against charge (3) furnishes an explanation to this charge also. The appellant came to know that the Range Officer was camping at Jedkal only after he came to Coondapur on 8-2-23, the distance from his beat to Jedkal being 20miles and he passed through Jedkal at night in a cart. At that time the appellant was suffering from fever . On the 19th he attended the Range Office but the Clerk did not know when the Range Office was likely to return to Coondapur and after waiting for the Range Officers return to head quarters for two days and meanwhile obtaining medicines from the Hospital for his fever the appellant went back to Wandse enroute to his beat to head quarters by boat. The appellant's going back to his beat and the Range Officers return to Coondapur on the same day was nearly merely a coincidence and there was no object in the appellants going away without seeing the Range Officer as his object in coming to Coondapur was to see him.

9. A word or two of further explanation will, the appellant humby believes, be not out of place here. The District Forest Officer's remark in his Proceedings under appeal that the appellant did not submit his diaries " weekly from 13-12-1922 but had them all dated "25-2-23"and submitted them all in one cover on "25-2-3" is not correct. A kind perusal of the appellants' diary file will show that he had submitted all his diaries regularly through his Section Officer up to 28-1-23 and that only after the Section Officer's telling him that he was to submit his diaries direct to the Range Officer that he sent his diaries for four weeks in one cover after he was supplied with Service Postage stamps as explained above. It is therefore not a fact that the appellant submitted his diaries for about ten weeks in one cover.

As regards the general statement in the District Forest Officer's Proceedings that the appellant evaded appearing before the Range Officer the appellant has merely to submit

that the Range Officer Did not come to his beat even once during the four months the appellant was in charge of the beat and he had stict orders from the Range Officers not to leave his beat unless it be to receive his pay once a month and for that too he could come only as far as Jedkal (Vide R.Dis Cno. 483/22 dated 1-2-23) the Range Officer did not go to the appellant's beat during the four months he was in charge of it and he was not to leave his beat on pain of being recommended for punishment and it can be imagined how it was possible for the appellant to appear before the Range Officer. On the only occasion on which the Appellant dared to leave his beat to come to see the Range Officer, he could not meet him.

11. The appellant has all along done his duties efficiently and conscientiously from the middle of November when he joined in the Coondapur Range and it was only after the submission of his diaries for four weeks in one cover on account of circumstances over which he had no control that his troubles began. It was used as convenient handle the to find faults with the appellant and all his actions even of previous months, none of which was critized in diaries or otherwise at the time were magnified with a result that the appellant was placed under suspension with effect from the date up to which pay was disbursed to him and the whole period was treated as suspension so that the appellant had to be without pay for about three months in which he had actually done his duties without a single unfavourable remark on his weekly diaries or otherwise.

12. In Proceedings under appeal the District Forest Officer has thought fit to order the transfer of the appellant to the Mangalore Range more than 100 miles away from the beat in which he had hitherto been serving. So long the appellant managed somehow or other to live though he did not get his pay for months at a stretch as he could keep his poor family at

Wandse which is his nativeplace, but to thebeat to which he was now been trasferred the appellant is quite a stranger. In that range also there is again a possibility that he will once more be made to serve without his pay been disbursed to him for another four or six months for some reason or other and after finding some similar pretext his pay for the previous four or six months will be withheld andthe whole period treated as suspension, so that the long andshort of thewhole matter will bethat thepoor appellant will haveto serve in the department for years without drawing any pay but with the worry and anxiety of several charges pending over his head. The fact that the District Forest Officer has eagerly passed final orders in thepresent case without waiting to see or consider the explanation which he had submitted in due time and which at thetime of the District Forest Officer's order was actually pending in theRange Office confirms the appellant 's suspicion expressed above.

13. On 17-12-22 the appellant applied to the Range Officer for a week's casual leave which was refused. On 24-12-22 he agained applied for two months leave as the appellant was very weak on account of constant attack of fever, but on that petition he has received no orders at all up to date On 7-1-23 he applied for a couple of days' casula leave on 13th and 14th January to enable theappellant to fulfill a vow and that too was refused. If the appellant was a shirker of work he wouldnot have applied for leave at all but would have availed himself of it without applying for it. On theother hand if the Range Officer had found that the appellant was not doing his duties properly he would have passed some such remarks on theappellant's diaries or otherwise which has never been done.

14. Further, the fact that the poor appellant was first placed under suspension on 6-3-23 and his explanation for the

so called short comings was called for a month after that date on 3- 4- 23 is itself sufficient to show that the appellant evil stars have begun to persue him after he came to Coondapur range. If the appellant was really such a sinner as has been attempted to be made out his explanation would have been first called for and if not found satisfactory an order of suspension or other punishment could have been inflicted. But in this case not only was the punishment inflicted first but even that, before all the connected records were before the Dt. Forest officer.

15. The appellant is a second grade guard who has undergone training in the guards' training school. Many a guard lower than him in rank and not possessing half as much capacity, devoid of the qualification of training and with much worse character sheets have overstepped him and been promoted as foresters. In the case of appellant his conduct register has been held by the Dt. Forest officer as coming in the way of his getting a promotion to the forester's grade-(Vide. D. F. O's N. Dis. C. No. 1468/27- 7- 22.) so long as the appellant was xxx serving in the Udipi and Shankernarayana ranges there was no occasion for a single black mark being awarded to him nor was he found fault with.. No doubt he was suspended and once dismissed on previous occasions as stated by the D. F. O. but on reconsideration the original orders were found to be unjust and and he was re-instated. All these things have been conveniently made by the D. F. O. in to a peg whereon to hang his present one-sided and ex-parate order and quite an unjust and unmerited punishment has been inflicted on the appellant.

16. The present order of suspension passed by the R. O. on 6- 3- 23 has now been ordered by the D. F. O. to take effect from 15- 12- 22 and even then the appellant's pay for thefirst half of xxx December has not yet been paid to him, so that he was actually had to serve in the Deptt. for nearly 7 months without pay or allowances. The flight of a poor servantgetting no pay for such a length of time can well be imagined. This fact alone will show with xxxx what degree of vengeance he has

been treated after his having been sent to Coondapur Range as a result of his applying for promotion to the Forester's Grade. Vide D.E.F's orders No. Dis 1468/ 7- 22 dated 27-7-22 and S.O. No. 122/ 1922 Dated 3-10-1922.

17. The appellant therefore humbly prays that his hard case may be considered sympathetically and after setting aside the quite unmerited order of suspension passed by the District Forest Officer against the appellant he may be kindly transferred to some other forest division on promotion to the Grade of Forester.

18. On receipt of the D.F.O's order the subject of the present appeal the appellant has applied to the D.F.O. for 2 months' leave with effect from 1st. June 1923 as the Range to which he has been transferred lies at a distance of over 100 miles from his present beat and the monsoon having already set in it is not possible for him to take his family with him nor to go alone to such a distant place and seeing the general attitude of the D.F.O. towards him the appellant apprehends that he is not likely to pass favourable orders on the appellant for leave. The orders on his leave application have however not yet been received. The appellant therefore begs that leave may be kindly ordered to be granted to him at least till the despocal of this appeal. (Sd) M. Gowda.

(To Conservator - A copy of this appeal petition is being separately submitted through the D.F.O. A copy of the Proceedings under appeal is enclosed)

(To D.F.O.) A copy of this appeal petition has been separately submitted to the conservator direct with copy of the D.F.O's proceedings.)

(True Copy)

Mangalore 13.x.23

Z Gowda

To

The Conservator of Forests,

VI Circle,

Ootacamund.

Humble petition of V. Govinda late forest guard, Nagodi Beat North Mangalore Division

Dated 2nd October 1923.

Ref. Conservator's endorsement L. Dis. No. 1974/24 dated 19th Sept. 1923.

Honoured Sir,

With reference to para 2 of the Reference quoted above I beg respectfully to bring to notice that my appeal petition dated 23rd June 1923 was submitted through the District Forest Officer Mangalore North.

A kind perusal of the acknowledgement dated 27-6-23 which is herein enclosed will prove the correctness of this assertion.

2. In the concluding para of the copy of the appeal petition dated 23rd June 1923 which I have submitted to the Conservator direct I had noted that the original petition had been submitted through the District Forest Officer If that petition has not been received in the Conservator's Office with the remarks of the District Forest Officer I beg to submit that it is not my fault.

3. I therefore request that my appeal petition submitted through the District Forest Officer may be called for from the D.F.O., kindly considered and desposed of on its merits.

4. As regards para 1 of the reference quoted above I beg to represent that I have waited till the 11 th hour in order to see whether orders would be received from the Conservator's Office on my appeal petition dated 23-6-23

which had been submitted through the proper channel more than 10 weeks previously and as no orders were received till the eighth September I submitted the appeal petition on that date.

5. Though the District Forset Officer's proceedings dismissing me from service is dated 4th August 23 I received it 9 days' letter on the 13th of August as a kind perusal of the date of the Forester's endorsement thereon will show and I have submitted my appeal within 25 days from that date.

6. The former appeal dated 23-6-23 was submitted through the D.F.O. , but the second one dated 8th Sep. 1923 was submitted direct as I had been dismissed by the D.F.O. from service. Another reason for my submitting it direct is that I knew that the D.F.O. was determined to ruin me and for that reason thought he was likely to keep back this appe
he had done the previous one dated 23-6-23

I beg therefore the objection that this appeal is time barred may therefore also be kindly reconsidered and that this appeal may also be kindly disposed off on its merits and justice may be done to me.

The enclosures received with the endorsement under reference are here with re-submitted.

I beg to remain,

Honoured Sir,
Your most obedient servant,
(Sd) . . h. Gowda
(True Copy)

Mangalore
13.x.23

J. Gowda

Rev Dept.

C no. 2264 I/36

Memorial V. Govinda ex Forest Guard North Mangalore Division

From the memorialist dated 11-5-1936.

To A.S

Please see the memorial at P.P. 1-2 C/. The memorialist, it would appear, was dismissed from service by the D.F.O. Mangalore North, on 4-8-1923 (i.e.) nearly 13 years ago. His appeal to the Conservator was rejected as time barred. After the lapse of nearly 13 years the present memorial to Govt. is submitted. The original orders of the D.F.O. & the Conservator received by the memorialist have not been enclosed as required by Rule II (1) of the Memorial Rules. Though no time limit has been fixed for the submission of memorials to Govt. yet it is submitted that the time taken by the memorialist (viz) nearly 13 years is too long a period. The reason for this inordinate delay is said to be the poverty & continued sickness of the memorialist. This, it is submitted, cannot be accepted. In these circumstances it is for orders whether the memorial will be summarily rejected or the case will be considered by Govt. & if so

NK
Pleader's fee

Para 5 P. 13 C/

Para 2 P. 1 C/.

P 56 of Board's Rules

Para 3 P. 1 C/

RC
269

The memorial may be returned for submission through the proper channel with the original orders of the D.F.O & the Conservator, with ref. to rule X of the Memorial Rules. For orders.

P.S. [illegible]

may be rejected
RR
26.5.36

R/20.5.36.

Jar
23/5/36

May be Rejected. For orders.
CS
29.5.36

D 29/5

A.M.C,
Kch
30/5

Issue orders accordingly.
CS
30.5.36

To A.S.

A draft order is submitted for approval.

Issue
RR
2/6/36

R/31.5.36.